Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-3, 6-12, 16-20, and 29 are now in the application. Claims 1 and 12 have been amended. Claims 2, 4, 5, 13, 14, 15, and 21-28 are being cancelled herewith. Claim 29 is being added. Support for claim 29 can be found in claims 12-15 and page 15, lines 2-11 of the specification of the instant application. No new matter has been added.

In item 3 on page 2 of the above-identified Office action, claim 19 has been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner alleges that it is unclear what applicant means by "microstructure". Applicants respectfully disagree with the Examiner. More specifically, the term "microstructure" is known in the art. The specification of the instant application cites Bode et al. (U.S. Patent No. 5,795,658), which uses the term microstructures in the claims. Furthermore, the microstructure is discussed on page 11, lines 9-19 of the specification and is shown by the reference symbol "22" in

Fig. 2 of the instant application. Accordingly, it is clear what is meant by the term microstructure. Thus claim 19 meets the requirements of 35 U.S.C. §112, second paragraph. Therefore, claim 19 has not been amended to overcome the rejection.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

In item 7 on page 3 of the Office action, claims 12, 13, 19, and 20 have been rejected as being fully anticipated by Maus (U.S. Patent No. 5,902,558) under 35 U.S.C. § 102.

Claim 12 has been amended to include the subject matter of claims 13-15. Claims 14 and 15 were not rejected over Maus. Therefore, claim 12 is allowable over Maus.

Since claim 12 is allowable over Maus, dependent claims 19 and 20 are allowable over Maus as well.

In item 8 on page 4 of the Office action, claims 12-14, 16, 19, and 20 have been rejected as being fully anticipated by

Haerle (U.S. Patent No. 5,215,724) under 35 U.S.C. § 102 or in the alternative obvious over Haerle under 35 U.S.C. §103.

In item 9 on page 6 of the Office action, claims 15, 17, and 18 have been rejected as being obvious over by Haerle (U.S. Patent No. 5,215,724) under 35 U.S.C. § 103.

As noted above, claim 12 has been amended to include the subject matter of claims 13-15. Therefore, claim 12 will be discussed with regard to the above-given rejections.

Also, the rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in Fig. 3 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 12 calls for, *inter alia*:

wave peaks and wave valleys extending from the inner contour to the outer contour, the wave peaks and the wave valleys

having a wave height being constant in radial direction and having a wave length increasing in radial direction.

The Haerle reference discloses a sintered composite filter. The filter body has a plurality of individual filter disks (1) arranged on top of one another, connected together by means of welding, a sintering process or by means of mechanical links to form one unit. The outer and inner edges (10 and 11) lying **flat on top of one another** serve to this end. Each filter disk (1) has a wavelike form provided with successive raised ribs (2) and recessed beads (3) (column 3, lines 1-16).

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest **all** the claim limitations.

The reference does not show or suggest wave peaks and wave valleys **extending from the inner contour to the outer contour**, the wave peaks and the wave valleys having a wave height being constant in radial direction and having a wave length increasing in radial direction, as recited in claim 12 of the instant application. The Haerle reference discloses that a filter disk has a flat region at its inner contour and a flat region at its outer contour. Haerle does not disclose that wave peaks and valleys extend from an inner contour to an

outer contour. This is contrary to the invention of the instant application as claimed, in which wave peaks and wave valleys extend from the inner contour to the outer contour, the wave peaks and the wave valleys having a wave height being constant in radial direction and having a wave length increasing in radial direction.

The reference applied by the Examiner **does not** teach or suggest all the claim limitations. Therefore, there is no *prima facie* case of obviousness.

Furthermore, Haerle explicitly teaches away from having wave peaks and valleys extending from an inner contour to an outer contour. More specifically, Haerle discloses that the filter disks (1) have flat regions (10 and 11) at the inner and outer contours of the disks so that the disks can be attached to one another in the flat regions. Therefore, a person of ordinary skill in the art is taught away from modifying Haerle to have wave peaks and valleys extending from an inner contour to an outer contour.

Since claim 12 is believed to be allowable over Haerle, dependent claims 16-20 are believed to be allowable over Haerle as well.

The following further remarks pertain to new claim 29.

Claim 29 calls for, *inter alia*:

a seamless one-piece metal foil body.

The Haerle reference discloses compression molded high temperature resistant sintered plates made of metal powder, metal chips, metal fibers or a mixture of these materials. Haerle discloses that the plates have a high porosity (column 3, lines 33-36 and Fig. 4).

The reference does not show a seamless one-piece metal foil body, as recited in claim 29 of the instant application. Haerle discloses a temperature resistant sintered plate. Haerle does not disclose a metal foil body. This is contrary to the invention of the instant application as claimed, which recites a seamless one-piece metal foil body.

Furthermore, Haerle explicitly teaches away from a metal foil. Particularly Haerle discloses the plates are sintered plates having a high porosity. The metal foil as recited in claim 29 does not have a porosity. Therefore, Haerle teaches away from a metal foil as recited in claim 29 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 12, or 29. Claims 1, 12, and 29 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 12, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-3, 6-12, 16-20, and 29 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Applic. No. 10/680,380
Amdt. dated February 28, 2007
Reply to Office action of December 11, 2006

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

For Applicant(s)

AKD:cgm

February 28, 2007

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